IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1111 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/06/2004 in WP NO : 8575 OF 2004 on the file of the High Court.)

Between:

Toddy Tappers Cooperative Society, Nizampet Village, Narayankhed Mandal, Medak District, rep. by its President, A.Ella Goud.

..... APPELLANT

AND

1 Goverment of Andhra Pradesh, Revenue (Ex.II) Department,

rep. by its Deputy Secretary, Secretariat, Hyderabad.
2 The Commissioner for Prohibition and Excise. Government of

Andhra Pradesh , Hyderabad.
3 The Deputy Commissioner of Prohibition and Excise,

Nizamabad Division at Nizamabad.
4 The Superintendent of Prohibition & Excise,

Medak District at Sanga Reddy.
5 K.Mallaiah, S/o.Durgaiah,
R/o.Nizampet Village, Narayankhed Mandal, Medak District.
6 P.Shankaraiah, S/o.Lakshmaiah,
R/o.Nizampet Village, Narayankhed Mandal, Medak District.

7 P.Sailu, S/o.Sangaiah,
R/o.Nizampet Village, Narayankhed Mandal, Medak District.
8 P.Bhoomaiah, S/o.Papaiah,
R/o.Nizampet Village, Narayankhed Mandal, Medak District.

.....RESPONDENTS

Counsel for the Appellant: MR. K.RAGHUVEER REDDY

Counsel for Respondents 1 to 4: GOVERNMENT PLEADER FOR PROHIBITION & EXCISE

Counsel for Respondents 5 to 8: MR. P.BALA MUKUNDA RAO

The Court made the following JUDGMENT:

(Per Hon'ble B.Sudershan Reddy, J)

This writ appeal arises out of the order dated 21-6-2004 made in Writ Petition No.8575 of 2004 by the learned Single Judge of this Court.

The appellant herein filed the writ petition questioning the action of the first respondent-Government of Andhra Pradesh dated 09-03-2004 under which the first respondent rejected the request of the appellant-Society for staying the operation of the TFT licences granted to respondents 5 to 8 herein by the proceedings of the Commissioner of Prohibition and Excise, Hyderabad, dated 26-04-2001.

It is totally unnecessary to notice the further details leading to filing of this writ appeal. During the course of hearing of this writ appeal, the learned Government Pleader, upon perusal of the records, fairly stated that the revision petition filed by the appellant herein has been disposed of by the Government without providing any opportunity whatsoever to the appellant herein.

It is rather surprising to notice that in the impugned order, it is averred that when the matter was heard on 25-2-2004, the Counsel for respondents 5 to 8 attended the hearing, but neither the President of the appellant-Society nor his Counsel were present "even though they have specifically been called for to attend hearing vide reference third cited."

The record does not disclose service of any notice whatsoever upon the appellant. In the absence of service of notice, the revisional authority's observations that none appeared on behalf of the appellant, cannot be countenanced. The Quasi Judicial authority exercising statutory power is required to be little more careful in disposing of the matters, which have a direct bearing upon the rights of the parties. The revisional authority is expected to act objectively in an impartial manner. We need to say no more and leave the matter there.

In the circumstances, the impugned order dated 09-03-2004 passed by the first respondent-Government is set aside. The writ petition filed by the appellant herein is allowed accordingly. The matter is remitted for fresh consideration by the first respondent in accordance with law, uninfluenced by the observations made by the learned Single Judge in the impugned order under appeal.

Needless to observe that the first respondent shall take proper steps to ensure service of notice on all the parties including the appellant herein, and hear the revision and dispose of in accordance with law.

The writ appeal is accordingly allowed. No costs.

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(B.SUDERSHAN REDDY, J)

Dated: 2nd August, 2004.

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(K.C.BHANU, J)

Grr/Ak*

To

1.The Deputy Secretary, Revenue (Ex.II) Department, Goverment of Andhra Pradesh, Secretariat, Hyderabad.
2.The Commissioner for Prohibition and Excise. Government of Andhra Pradesh, Hyderabad.
3.The Deputy Commissioner of Prohibition and Excise, Nizamabad Division at Nizamabad.

4.The Superintendent of Prohibition & Excise,

Medak District at Sanga Reddy.

5.Two CCs to the Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad (O.U.T).

6.Two CD copies.